

PROB 12C
(6/96)

United States District Court

for

WESTERN DISTRICT OF TEXAS

FILED
2015 APR 30 AM 9:15
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Edwin K. Thomas

Case Number: A-98-CR-246 (01)SS

Name of Sentencing Judicial Officer: The Honorable Sam Sparks, United States District Judge

Date of Original Sentence: April 9, 1999

4:20mj0325

Original Offense: Possession of Firearm by Felon in violation of 18 U.S.C. § 922(g)(1)

United States Courts
Southern District of Texas
FILED

February 19, 2020

David J. Bradley, Clerk of Court

Original Sentence: 84 months imprisonment in Bureau of Prisons, followed by a three year (3) term of supervised release, with special conditions for reporting within 72 hours of release from custody, mandatory drug testing, substance abuse treatment, and a \$100 special assessment fee (\$0 balance)

Type of Supervision: Supervised Release

Date Supervision Commenced: January 11, 2013

Assistant U.S. Attorney: Gerald Carruth

Defense Attorney: Abe Hernandez (A)

PREVIOUS COURT ACTION

On April 2, 2012, a Probation Form 12B, Request for Modifying the Conditions or Term of Supervision with Consent of the Offender, was submitted to the Court recommending placement at a Residential Re-Entry Center for 180 days upon his release from the Bureau of Prisons, due to the fact that the offender had no address. On April 5, 2012, Your Honor concurred with the probation office's recommendation, however, the modification was not implemented. The offender was remanded to federal custody from the McCabe Center for submitting a positive urine specimen for marijuana on May 1, 2012. He later released to his grandmother's address in Caldwell on January 11, 2013.

On October 30, 2013, a Probation Form 12A, Report on Offender Under Supervision, was submitted to the Court after the offender tested positive for marijuana on October 10, 2013. The probation office recommended that no action be taken and that he be allowed to participate in drug treatment. On October 31, 2013, Your Honor concurred with the probation office's recommendation.

On December 13, 2013, a Probation Form 12A, Report on Offender Under Supervision, was submitted to the Court after the offender tested positive for marijuana on December 6, 2013. The Court took no action to allow the offender to continue substance abuse treatment.

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PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Special Condition: "The defendant shall attend and participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the cost of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay."

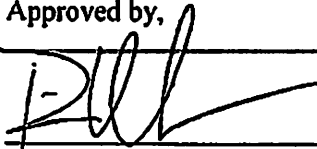
Nature of Non-compliance: On February 1, 2014, the offender was unsuccessfully discharged from substance abuse treatment at the Brazos Valley Council on Alcohol and Substance Abuse for failure to participate in individual and group counseling sessions. On April 29, 2014, the offender was unsuccessfully discharged from substance abuse treatment at Clean Investments for failure to submit four monthly drug tests and two counseling sessions during the months of January, February, March, and April 2015.

Violation of Standard Condition No.: 5: "The defendant shall report to the Probation Officer and follow the instructions of the Probation Officer."

Nature of Non-compliance: The offender did not report to his Probation Officer in March 2015.

U. S. Probation Officer Recommendation: After several administrative hearings and numerous chances for the offender to comply with his conditions of supervision, he continues to refuse to participate in substance abuse treatment and abide by his conditions. Considering his lack of interest and desire to comply with supervision, it is recommended his supervised release be revoked.

Approved by,



James R. Golden Jr.
Supervising U.S. Probation Officer

Respectfully submitted,



LaShonda Nevels
U.S. Probation Officer
Date: April 29, 2015

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Received by,

Alan M. Buie

Alan Buie
Assistant U.S. Attorney

☒ recommends ☐ does not recommend

Justification:

=====

THE COURT ORDERS:

- [] No Action
[☒] The Issuance of a Warrant
[] The Issuance of a Summons
[] Other

Sam Sparks

Honorable Sam Sparks
U.S. District Judge

4-30-15

Date

AO 442 (Rev. 08/07) Warrant for Arrest

95017-080

FID: 352137

UNITED STATES DISTRICT COURT

WESTERN

District of

TEXAS 8015 APR 30 AM 9:27

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Case Number: A-98-CR-246(01)-SSEdwin K. ThomasTo: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Edwin K. Thomas

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☐ Indictment ☐ Information ☐ Complaint ☐ Order of court
☐ Pretrial Release ☐ Probation ☒ Supervised Release ☐ Violation Notice
 Violation Petition Violation Petition Violation

charging him or her with (brief description of offense)

☐ in violation of Title 18 United States Code, Section(s) 3606☐ in violation of the conditions of his or her pretrial release imposed by the court.☒ in violation of the conditions of his or her supervision imposed by the court.Jeannette Clack

Name of Issuing Officer

District Clerk of the Court

Title of Issuing Officer

Deanna Mussie

Signature of Issuing Officer

4-30-2015

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CRIMINAL DOCKET FOR CASE #: 1:98-cr-00246-SS-1**

Case title: USA v. Thomas
Other court case number: :99- -50423 5th Cir.

Date Filed: 11/17/1998

Assigned to: Judge Sam Sparks
Appeals court case number: 99-50423

Defendant (1)

Edwin K. Thomas
also known as
Edwin Kendale Thomas

represented by **Abe P. Hernandez , Jr.**
Federal Public Defender
800 Brazos, Ste. 490
Austin, TX 78701
(512) 916-5025
Fax: 512/916-5035
Email: Imelda_Tovar@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

18:922G.F FELON IN POSSESSION
OF A FIREARM.
(1)

Disposition

Defendant sentenced to 84 months
imprisonment; 36 months supervised
release; no fine; \$100 special
assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**represented by **Alan M. Buie**

United States Attorney's Office
 Western District of Texas
 903 San Jacinto Boulevard, Suite 334
 Austin, TX 78701
 (512) 370-1242
 Fax: 512/916-5854
 Email: alan.buie@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Evette Fernald
 Assistant United States Attorney
 903 San Jacinto Blvd.
 Suite 334
 Austin, TX 78701
 (512)916-5858
 Fax: 512/916-5854
 Email: michelle.fernald@usdoj.gov
TERMINATED: 03/07/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/17/1998		Case assigned to Honorable Sam Sparks. (fe) (Entered: 11/18/1998)
11/17/1998	1	Indictment filed against Edwin Kendale Thomas (1), count 1. (Pages: 1) (fe) (Entered: 11/18/1998)
11/17/1998	2	Order Bench warrant issued for Edwin Kendale Thomas. (fe) (Entered: 11/18/1998)
11/17/1998		Bench warrant issued for Edwin Kendale Thomas. (fe) (Entered: 11/18/1998)
11/17/1998		Court file prepared as to Edwin Kendale Thomas and forwarded to Judge Sparks. (fe) (Entered: 11/18/1998)
12/03/1998	3	Filed petition for writ of habeas corpus ad prosequendum for Edwin Kendale Thomas. (fe) (Entered: 12/03/1998)
12/04/1998	4	Order for Issuance of Writ of Habeas Corpus Ad Prosequendum as to Edwin Kendale Thomas. (fe) (Entered: 12/04/1998)
12/04/1998		Writ of Habeas Corpus Ad Prosequendum as to Edwin Kendale Thomas issued. (fe) (Entered: 12/04/1998)
12/14/1998		Defendant Edwin Kendale Thomas' first appearance held. Defendant informed of rights. (fe) (Entered: 12/17/1998)

12/15/1998	5	Bench warrant returned unexecuted for Edwin Kendale Thomas (fe) (Entered: 12/15/1998)
12/15/1998	6	Order appointing Federal Public Defender for Edwin Kendale Thomas Abe P. Hernandez Jr. to represent defendant (fe) (Entered: 12/17/1998)
12/15/1998	7	Order of Temporary Detention as to Edwin Kendale Thomas; Bond set to NO BOND for Edwin Kendale Thomas. Detention Hearing set for 2:00 on 12/22/98. (fe) (Entered: 12/17/1998)
12/17/1998		Arraignment as to Edwin Kendale Thomas set for 2:00 on 12/22/98. (fe) (Entered: 12/17/1998)
12/22/1998	8	Response by Edwin Kendale Thomas to order [7-1] (mc2) (Entered: 12/22/1998)
12/22/1998	9	Order of Detention: Bond reset to No Bond for Edwin Kendale Thomas. (Mailed 12/22/98.) (mc2) (Entered: 12/22/1998)
12/22/1998	10	Waiver of personal appearance at arraignment and entry of plea not guilty by Edwin Kendale Thomas count 1 (mc2) (Entered: 12/22/1998)
12/30/1998	11	Order Setting Motions Hearing and Trial; and Standing Discovery Order as to Edwin Kendale Thomas - setting status conference/motions hearing for 8:30 on 1/29/99 ; setting plea agreement due for 1/29/99 ; and setting Jury selection and trial for 9:00 on 2/1/99. (fe) (Entered: 12/30/1998)
12/30/1998		Jury selection for Edwin Kendale Thomas set for 9:00 on 2/1/99. (fe) (Entered: 12/30/1998)
01/27/1999	12	Factual basis by USA as to Edwin Kendale Thomas (fe) (Entered: 01/27/1999)
01/29/1999		Rearraignment as to Edwin Kendale Thomas held. Defendant informed of rights. (fe) (Entered: 01/29/1999)
01/29/1999	13	Waiver of Rule 32 Time Limits by defendant Edwin Kendale Thomas. (fe) (Entered: 01/29/1999)
01/29/1999		Plea of guilty entered by Edwin Kendale Thomas (1), count 1. (fe) (Entered: 01/29/1999)
01/29/1999		Referred to Probation for Pre-Sentence Report as to Edwin Kendale Thomas (fe) (Entered: 01/29/1999)
01/29/1999		Guilty plea accepted by the court as to Edwin Kendale Thomas (1), count 1. (fe) (Entered: 01/29/1999)
02/02/1999	14	Order as to Edwin Kendale Thomas setting sentencing for 8:30 on 4/9/99 . (fe) (Entered: 02/02/1999)
04/09/1999		Sentencing held for Edwin Kendale Thomas (1) count(s) 1. Defendant sentenced to 84 months imprisonment; 36 months supervised release; no fine; \$100 special assessment (fe) (Entered: 04/09/1999)
04/09/1999	15	SEALED DOCUMENT PLACED IN VAULT as to Edwin Kendale Thomas (fe) (Entered: 04/09/1999)

04/19/1999	16	Judgment and Commitment as to Edwin Kendale Thomas (1) count(s) 1 (Pages: 5) (served 4/19/99) (fe) (Entered: 04/19/1999)
04/22/1999	17	Notice of appeal by Edwin Kendale Thomas (fe) (Entered: 04/23/1999)
04/23/1999	18	Appeal Transcript requested by Edwin Kendale Thomas as to Edwin Kendale Thomas appeal [17-1] (1/29/99 rearraignment/plea, 4/9/99 sentencing) (fe) (Entered: 04/23/1999)
04/23/1999		Notice of appeal and certified copy of docket to USCA: as to Edwin Kendale Thomas appeal [17-1] (fe) (Entered: 04/23/1999)
04/23/1999		Served copy of notice of appeal as to Edwin Kendale Thomas on Abe Hernandez, Jr., Edwin Thomas, Richard Durbin, Jr., U. S. Attorney-Austin, and court. (fe) (Entered: 04/23/1999)
04/30/1999		Return of appeal information sheet received. as to Edwin Kendale Thomas appeal [17-1] USCA NUMBER: 99-50423 (fe) (Entered: 04/30/1999)
07/23/1999		Letter of transmittal from USCA: as to Edwin Kendale Thomas appeal [17-1] #99-50423 regarding late filing of transcripts and payment discount. (fe) (Entered: 07/23/1999)
08/27/1999	19	Transcript filed for Edwin Kendale Thomas appeal [17-1] for dates of 1/29/99-Rearraignment and Plea; Appeal record due on 9/13/99 (fe) (Entered: 08/30/1999)
08/27/1999	20	Transcript filed for Edwin Kendale Thomas appeal [17-1] for dates of 4/9/99-Sentencing (fe) (Entered: 08/30/1999)
09/30/1999		Certified and transmitted record on appeal to U.S. Court of Appeals: as to Edwin Kendale Thomas appeal [17-1] #99-50423 (fe) (Entered: 09/30/1999)
10/12/1999	21	Certified copy of judgment (order of dismissal upon motion of appellant Thomas) of USCA as to Edwin Kendale Thomas dismissing Edwin Kendale Thomas (1) count(s) 1 appeal [17-1] #99-50423 Filed in NOLA 10/6/99, Filed in USDC, dkt'd & noticed 10/12/99. (fe) (Entered: 10/12/1999)
10/12/1999		The original record on appeal as to Edwin Kendale Thomas was not returned from the Fifth Circuit upon receipt of the dismissal on 10/12/99. (fe) (Entered: 10/12/1999)
10/13/1999		Service of dkt #21 as to Edwin Kendale Thomas acknowledged by DUSM on 10/13/99. (fe) (Entered: 10/13/1999)
10/25/1999		Record on appeal returned from U.S. Court of Appeal as to Edwin Kendale Thomas #99-50423 (fe) (Entered: 10/26/1999)
10/26/1999		The sealed presentence report as to Edwin Kendale Thomas was returned to USPO this date. (fe) (Entered: 10/26/1999)
10/28/1999		Receipt of the sealed PSI as to Edwin Kendale Thomas acknowledged 10/27/99 by USPO. (fe) (Entered: 10/28/1999)
07/25/2006	22	Judgment and Commitment Returned Executed as to Edwin Kendale Thomas

		on 06/07/06. (dm,) (Entered: 07/26/2006)
04/05/2012	23	PROBATION FORM 12 as to Edwin Kendale Thomas. Signed by Judge Sam Sparks. (dm,) (Entered: 04/05/2012)
11/01/2013	24	PROBATION FORM 12 as to Edwin Kendale Thomas. Signed by Judge Sam Sparks. (dm) (Entered: 11/01/2013)
12/30/2013	25	PROBATION FORM 12 as to Edwin Kendale Thomas. Signed by Judge Sam Sparks. (td) (Entered: 12/30/2013)
04/30/2015	27	Probation Warrant Issued by Judge Sam Sparks as to Edwin Kendale Thomas. (dm) Modified on 12/7/2016 to unseal (klw). (Entered: 04/30/2015)
12/07/2016	29	ORDER to Unseal 27 Warrant Issued as to Edwin K. Thomas. Signed by Judge Sam Sparks. (klw) (Entered: 12/07/2016)
03/07/2017	30	NOTICE OF ATTORNEY APPEARANCE Alan M. Buie appearing for USA. . Attorney Alan M. Buie added to party USA(pty:pla) (Buie, Alan) (Entered: 03/07/2017)
03/07/2017		Attorney Michelle Evette Fernald terminated as to Edwin K. Thomas. (dm) (Entered: 03/07/2017)

PACER Service Center			
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Billable Pages:	3	Cost:	0.30
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